

CV 14

5540

CIVIL RIGHTS COMPLAINT

42 U.S.C. § 1983

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

**FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.**

★ SEP 17 2014 ★

Darius Burris,
Full name of plaintiff/prisoner ID#

LONG ISLAND OFFICE

Plaintiff,

JURY DEMAND

YES NO

-against-

NASSAU COUNTY DISTRICT ATTORNEY

NASSAU COUNTY POLICE / HEMPSTEAD POLICE

QUEENS COUNTY DISTRICT ATTORNEY

Enter full names of defendants NEW YORK CITY POLICE

[Make sure those listed above are
identical to those listed in Part III.]

BIANCO, J.

BROWN, M. J.

Defendants.

I. Previous Lawsuits:

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes No [←] _{↑ DB}

B. If your answer to A is yes, describe each lawsuit in the space below (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs:

Darius Burris

Defendants:

Nassau County

2. Court (if federal court, name the district;
if state court, name the county)

Eastern District / Nassau County Supreme

3. Docket Number: 2:11-cv-00119-MKB-ARL/U/K

4. Name of the Judge to whom case was assigned: u/k

5. Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?)

PENDING / PENDING TRIAL DATE SET 9/2014.
EASTERN DISTRICT / NASSAU COUNTY SUPREME

6. Approximate date of filing lawsuit: 2011-01-FEB / 2006

7. Approximate date of disposition: PENDING? / Pending Trial

II. Place of Present Confinement: NASSAU COUNTY CORR FAC

A. Is there a prisoner grievance procedure in this institution? Yes No

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes No

C. If your answer is YES,

1. What steps did you take? _____

2. What was the result? _____

D. If your answer is NO, explain why not I t does not know
anything to do with

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes No

F. If your answer is YES,

1. What steps did you take? _____

2. What was the result? _____

III. Parties:

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff Darius Burris

Address NASSAU County Jail
100 CARMEN AVE, EAST MEADOW, N.Y. 11554.

(In item B below, place the full name and address of each defendant)

B. List all defendants' names and the addresses at which each defendant may be served. Plaintiff must provide the address for each defendant named.

Defendant No. 1

NASSAU County DISTRICT ATTORNEY
262 OLD Country ROAD
MINEOLA, NEW YORK 11501.

Defendant No. 2

NASSAU County Police
N. FRANKLYN AVE
MINEOLA, NEW YORK 11501

① DET. DEZELIC ② DET. GUBELLI
③ L.L. BODEN

Defendant No. 3

QUEENS County DISTRICT ATTORNEY
QUEENS BLVD
KEW GARDENS, NEW YORK

A.D.A. JOHN/JANE DOE

Defendant No. 4

NEW YORK City Police
1 Police Plaza
NEW YORK NEW YORK 10038

DETS ① TRIMORAS ② PULCEO ③ Sgt. REILLY
④ J. DOE (DET)

Defendant No. 5

HEMPSTEAD Police DEPT
NICHOLAS COURT

HEMPSTEAD, N.Y. 11550
P.O. MURPHY P.O. J. DOE Sgt. J. DOE
L.t. J. DOE

[Make sure that the defendants listed above are identical to those listed in the caption on page 1].

IV. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 1/2 by 11 sheets of paper as necessary.)

ON DECEMBER 27th 2013, HEMPSTEAD P.O. MURPHY, AND P.O. J. DOE MADE AN UNJAFULL ARREST FOR (QUEENS County) AND OR N.Y.C. POLICE FOR 2013QNOT164 DKT. NO. On 12-28-13, INVOICE NO. 4000194561 WAS VOUCHERED (FOR INVESTIGATORY PURPOSES TO DETERMINE OWNER). IN WHICH WAS PROPERTY THAT WAS TAKEN OFF OF ANOTHER PERSON AND ATTRIBUTED TO PLAINTIFF. AS A MATTER OF JURISDICTION, QUEENS County HAD SAID PROPERTY AND REFUSED TO PERSECUTE THE PLAINTIFF FOR POSSESSION OF ALLEGED STOLEN PROPERTY. UPON PLAINTIFF'S RELEASE FROM N.Y.C. DEPT OF CORRECTIONS ON APRIL 25, 2014. NASSAU County DET'S JANE DOE; JOHN DOE; AND DEFENDANT OF 3:11-CV-00119 - (MKB) (ARL) DET DEZELIC MADE THE ARREST OFFICIALY ON PAPER OF DKT NO. 8 8116; 8117; 8118N-14. AS OF MAY 1ST 2014 NASSAU County A.D.A. SIOANE A.D.A. ADOBE, A.D.A. JANE OR JOHN DOE FRAUDULENTLY SIGNED LEGAL DOCUMENT WITH SUPREME COURT OF NASSAU County COURT THAT A GRAND JURY,

IV.A If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

AS A RESULT OF USE OF EXCESSIVE FORCE FROM N.Y.C. DEPT OF CORRECTIONAL STAFF NAMELY P.O. SPATIA AND JANE DOE AND JOHN DOE NASSAU COUNTY DETECTIVES, AND DET. DEZELIC MY ARMS HANDCUFFED BEHIND MY BACK WAS LIFTED WAY ABOVE MY HEAD BY N.Y.C. DOE. SPATIA, WITH THE HELP OF NASSAU COUNTY DETECTIVES DURING AN ATTEMPT TO RELEASE SAID PLAINTIFF TO NASSAU COUNTY. SAID ALTERCATION WAS IGNITED BY C.O. SPATIA, AND EDEGED ON BY NASSAU COUNTY. AFTER EXPLAINING THAT I WAS IN EXCESSIVE PAIN AND REQUESTED MEDICAL TREATMENT TO NASSAU COUNTY DETECTIVES IT WASN'T UNTILL AFTER BOOKED AND FINED PRINTED WAS I TAKEN TO N.C.U.M.C. FOR TREATMENT, WHERE I HAD TO RETURN A SECOND TIME, AND A BACK BRACE WAS LOST

V. Relief:

State what relief you are seeking if you prevail on your complaint.

THAT U.S. ATTORNEY'S OFFICE OF EASTERN DISTRICT WILL STEP IN AND INVESTIGATE NASSAU COUNTY DISTRICT ATTORNEY'S OFFICE ALONG WITH ITS UNIFIED COURT SYSTEM AND POLICE FOR GRIDS CORRUPTION. AND PLAINTIFF SEEKS DAMAGES FOR BEING RESTRAINED OF HIS LIBERTY AND HELD IN CUSTODY EXTENDED PERIOD OF TIME FROM ~~05-01-14~~ - 4-30-14 - 6-11-14. AND SAID PAST TIME ALLOWED AND \$10,000,000.00 IS SOUGHT FOR DAMAGES. PLAINTIFF ALSO SEEKS EASTERN DISTRICT RETALIATE PERSON OR PERSON'S INVOLVED.

I declare under penalty of perjury that on Sept 9th 2014, I delivered this
(Date)
complaint to prison authorities to be mailed to the United States District Court for the Eastern
District of New York.

Signed this 9 day of September, 2014. I declare under penalty of
perjury that the foregoing is true and correct.

CARMINE PULGRANO
Notary Public, State of New York
No. 01PU004168
Qualified in Nassau County
Commission Expires June 16, 2015

Carmine Pulgrano

Darius Burris
Signature of Plaintiff

Nassau County Correctional
Name of Prison Facility

100 Carmen Ave
EAST MEADOW
NEW YORK 11554
Address

14003228
Prisoner ID#

(IV) STATEMENT OF CLAIM

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HAD INDICTED THE PLAINTIFF ON SAID DOCKET NO 8116; IN WHICH IS FALSE. THE PLAINTIFF WAS NEVER FORMALLY CHARGED WITH ALLEGED POSSESSION OF THE SAID PROPERTY that is VOUCHERED by N.Y.C. POLICE UNDER VOUCHER NO 400019456; that the PROPERTY CLERK OF QUEENS County HAS. AND AS OF MAY 1ST 2014, THE PLAINTIFF SHOULD HAVE BEEN RELEASED FROM CUSTODY FROM THE NASSAU County JAIL by the OFFICE of the NASSAU County DISTRICT ATTORNEY, DUE TO THE FACT that the PLAINTIFF HAD BE RESTRAINED OF HIS LIBERTY, AND SAID DKT. NO^S 8116; 8117; 8118; WAS NEVER PRESENTED TO THE GRAND JURY. THE PLAINTIFF SHOULD HAVE BEEN RELEASED, DUE TO HIS REQUEST FOR A FELONY EXAMINATION UPON THE FELONY COMPLAINTS HE WAS ARRESTED UPON. WHEREAS THE DISTRICT ATTORNEY, AS OF APRIL 26, 2014. HAD 144-HOURS TO PRESENT THE MATTERS TO A GRAND JURY OR RELEASE PETITIONER. IT WASN'T UNTIL AFTER THE PETITIONER'S WRIT OF HABEAS CORPUS WAS DENIED BEFORE HON. JUDGE HONOROFF, AND THEN ARRANGED ON SAID INDICTMENT 680N-14, IN WHICH THE PLAINTIFF'S LAWYER CHALLENGED THE INDICTMENT AND ASKED THE COURT FOR IMMUNITY, FOR PLAINTIFF DUE TO THE FALSE DOCUMENT SIGNED WITH THE SUPREME COURT. SAID COURT OF JUDGE HONOROFF IS BAISED AGAINST PLAINTIFF AND THE OFFICE OF THE DISTRICT ATTORNEY OF NASSAU IS MALICIOUSLY PERSECUTING PLAINTIFF DUE TO 2:11-CV-00119-(MKB)(ARL) AND DUE TO CIVIL CLAIM IN NASSAU SUPREME COURT.

NASSAU County DISTRICT ATTORNEY HAS FILLED

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I V STATEMENT OF CLAIM

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DKT No 025660/09 A SECOND TIME, AFTER this Plaintiff
WAS ARRESTED ON 10/03/09, AND SODOMIZED BY NASSAU
County Police, in a Police Station in Nassau County, THE
Plaintiff HAD ALREADY SERVED TIME UPON AND PLEADED
guilty UPON SAID CHARGE. ON FEBRUARY 1, 2011, A CIVIL RIGHTS
Complaint 42 U.S.C. § 1983. DERIVED FROM SAID COMPLAINT
IN WHICH IS DOUBLE JEPORDY.

THE Plaintiff IS DEPRIVED OF DUE PROCESS OF
THE LAW, THE EQUAL PROTECTION OF THE LAW, AND SHOULD
BE EXEMPT FROM MALICIOUS PERSECUTION, AND FREE FROM
DISCRIMINATION UNDER THE COLOR OF THE LAW FOR THE
FILING OF CIVIL COMPLAINTS AGAINST NASSAU COUNTY.

EACH TIME this Plaintiff's STATE CLAIM, COMES BEFORE
THE SUPREME COURT OF NASSAU FOR TRIAL, THE SAID
DEFENDANT'S FILE FICTIOUS COMPLAINTS AGAINST THE Plaintiff
KNOWING THAT THE STATE SUPREME COURT OF NASSAU
DOSE NOT PRODUCE INMATES TO ITS COURT'S, DUE TO NOT
HAVING HOLDING AREA'S.

WHILE AWAITING THIS Plaintiff's FATE BEFORE A
BASSED COURT IN NASSAU COUNTY THIS Plaintiff SUFFERS
FROM PROPER AND ADEQUATE REPRESENTATION, AND ATTORNEY
CLIENT PRIVILEGE IS ALWAYS BROKEN DUE TO THE COURT'S
AND PREVIOUS ATTORNEY'S WHO HAD EITHER WORKED FOR
THE NASSAU COUNTY DISTRICT ATTORNEY WHILE (DEFENDANT) Plaintiff
WAS ACCUSED OF MINOR OFFENSES OR OPENLY DISCUSSED
THE DEFENDANT'S CASE BEHIND CLOSED DOOR. THE Plaintiff

cont

(IV) STATEMENT of facts

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SUFFER'S FROM THE EFFECTIVE ASSISTANCE OF COUNSEL AND EQUAL PROTECTION OF THE LAW.

Being that this Plaintiff HAS PENDING CIVIL RIGHT'S CLAIM 2:11-CV-00119 (MKB) (HRL) BEFORE THE EASTERN DISTRICT AS WELL, THE PLAINTIFF HAS SUFFERED RETALIATION IN THE PAST AS LONG AS THE PRESENT, AND SUCH COMPLAINTS HAVE BEEN CONFOUNDED, AND IGNORED. ON OR ABOUT JULY 28, OR JULY 31ST 2014, THE PLAINTIFF CALLED THE OFFICE OF THE NASSAU COUNTY DISTRICT ATTORNEY, OFFICE OF PUBLIC CORRUPTION TO FILE ~~AT~~ A FORMAL COMPLAINT, AND TO INQUIRE ABOUT THE CORRESPONDANCE THAT WAS SENT TO THAT OFFICE, AND IT COULD BE HEARD AFTER THE PERSON HUNG UP OR THOUGHT THEY HUNG UP. STARTING TO COPY SAID LETTER AND SEND IT TO SOMEONE. PLAINTIFF IS AGAIN IGNORED, BY NASSAU COUNTY DISTRICT ATTORNEY'S OFFICE, AND POLICE CORRUPTION STILL APPEARS TO GO UNFOUNDED, IN NASSAU COUNTY, AND THE PLAINTIFF SUFFERS STILL FROM MALICIOUS PERSECUTION, AND IS UNABLE TO PREPARE A MEANINGFUL DEFENCE AS A RESULT.